

Phased Project Vesting Requirements for Major Projects

Building Division Interpretations and Policies

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Section:	23.05.090.F.3.a

Phased Projects: If a vesting schedule is approved, the submittal of a complete below-grade garage building permit may vest the defined project to the construction codes in effect on the date of the belowgrade building permit submittal. BCC 23.05.090.F.3.a describes a project phasing plan as follows: **F.3.a.** When approved by the building official, a phasing plan may be submitted for review, and if approved, the phasing plan shall thereby establish a schedule for vesting of the proposed project subject to submittal of the first complete building permit application identified in the phasing plan, excluding a shoring permit. The phasing plan is subject to the following limitations. After the first building permit application, each subsequent permit identified in the phasing plan shall be submitted with a complete building permit application within 12 months of the submittal of the prior permit, and the last permit application for the proposed project shall be submitted with a complete building permit application within 36 months of the first permit application which established vesting for the proposed project. The first permit application must be issued and must not expire per subsection H of this section to maintain project vesting, and the issued permit must not expire due to not starting work within one year or suspending work for more than 180 days per BCC 23.05.100(E). The vested status for the project is retained beyond the three-year maximum life of the first permit if all inspections required for the work under that permit have been completed and approved. The vested status will not apply to any permit application submitted more than 36 months after the first permit application which established vesting.

These are the phasing plan submittal requirements for the purpose of vesting a defined project:

- 1. The phasing plan will either be approved or denied by the City. It must include:
 - **A.** A detailed description that defines the project scope, a site plan, and complete elevation views of the project for which vesting is requested, and a statement indicating "request to vest defined project to codes in effect on (anticipated date of below-grade permit application)."
 - **B.** Timelines for required permits for the entire defined project, including permit dependencies, and expiration limitations of building permit applications and issued building permits. This information shall be shown on an Estimated Timeline Schedule (ETS) and a construction schedule from the General Contractor.
 - **C.** Timelines for all required seismic peer reviews shall be incorporated into the phasing plan (see items 5 below for projects requiring seismic peer review).

2. The required land use action must be submitted at least 90 days prior to the last effective date for vesting the defined phased project in advance of a code change.

EXCEPTION: When approved by the land use director, the land use application may be submitted less than 90 days in advance of the below-grade garage permit.

- **3.** A below-grade building permit application must be a complete submittal per BCC 23.05.105 and City of Bellevue submittal requirements, including architectural and structural plans from depth of excavation to grade level.
- **4.** The below-grade building permit submittal may be a portion less than the defined project garage footprint but must include (1) the entire footprint and foundation of at least one high-rise building (for a project including a high-rise) and include (2) (for reference) high-rise fire/life-safety and egress plans, and structural frame plans and design to identify vertical and lateral loads imposed on the below-grade structure and foundation.
- **5.** For a below-grade building permit application that includes structure and foundation supporting a seismic performance-based design (PBD) high-rise, all the following shall be required to vest the defined project prior to the adoption date of any code change:
 - **A.** The Design Earthquake (DE) and Service-Level Earthquake (SLE) structural analysis and design, and two rounds of review shall be completed by the seismic peer reviewer.
 - **B.** The Maximum Considered Earthquake (MCE_R) structural analysis and design, including all required nonlinear time history analyses specific to the building being designed, and one round of review shall be completed by the seismic peer reviewer.

EXCEPTION: When approved by the building official and the seismic peer reviewer, item B may be waived if all other elements of the phasing plan requirements are met.

C. A letter from the seismic peer reviewer regarding current status of the analysis, design and review, confirming completeness of the items noted above and approving submittal of a belowgrade building permit application.

NOTES: Any substantial change to the project design, whether initiated by the owner and design team, or required by land use review, will result in loss of vesting for the building or project being modified, which includes, but is not limited to these example changes: 1) primary use (office, residential, etc.); 2) defined project scope; 3) increasing/reducing stories/height; 4) footprint; 5) gravity/lateral structural system; 6) structural material (concrete, steel), or 7) code prescriptive to performance-based structural design or viceversa. Such changes are outside the scope of a phasing vesting approval and shall result in the building or project no longer being vested to the codes in effect for the initial below-grade building permit application.

Signature	Gregg Schrader	Date:	03 03 2020
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